

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

FILED

April 30, 2024

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASBY: NM
DEPUTYUNITED STATES OF AMERICA, EX
REL.; and TAMMY R. FABIAN,

Plaintiffs,

v.

GARY RICHARD COLTON,

Defendant.

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CIVIL NO. SA-23-CV-01554-OLG

ORDER ACCEPTING REPORT AND RECOMMENDATION

The Court has considered United States Magistrate Judge Henry J. Bemporad's Report and Recommendation (R&R), filed March 25, 2024, concerning Plaintiff's claims under the False Claims Act, 31 U.S.C. § 3729, *et seq.*, filed in connection with her motion to proceed *in forma pauperis*.¹ (See R&R, Dkt. No. 11.)

A party who wishes to object to a Magistrate Judge's findings and recommendations must serve and file specific written objections within fourteen days after being served with a copy of the findings and recommendations. FED. R. CIV. P. 72(b)(2). The R&R was mailed by certified mail on March 25, 2024 (*see* Dkt. No. 14) and received by Plaintiff as of April 4, 2024 (*see* Dkt. No. 16). To date, no objections have been filed.

Because no party has objected to the Magistrate Judge's findings or recommendations, the Court reviews the R&R for clear error. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989); *cf.* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of

¹See W.D. Tex. Standing Order Regarding Court Docket Management of Cases Involving Applications to Proceed in Forma Pauperis for the San Antonio Division (effective Oct. 8, 2019), available at [Standing-Order-Regarding-Court-Docket-Management-of-Cases-Involving-Applications-to-Proceed-In-Forma-Pauperis-for-the-San-Antonio-Division-100819.pdf](https://uscourts.gov/standing-order-regarding-court-docket-management-of-cases-involving-applications-to-proceed-in-forma-pauperis-for-the-san-antonio-division-100819.pdf) (uscourts.gov).

those portions of the report or specified proposed findings or recommendations to which an objection is made.”) After such review, the Court finds that the R&R is neither clearly erroneous nor contrary to law. Accordingly, the Court **ACCEPTS** the Magistrate Judge’s R&R (Dkt. No. 11) and, for the reasons set forth therein, the claims in Plaintiff’s Complaint (Dkt. No. 5) are **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2).

This case is **CLOSED**.

It is so **ORDERED**.

SIGNED this 30 day of April, 2024.



ORLANDO L. GARCIA
United States District Judge